ORDINANCE NO. 2

Series, 1962

AN ORDINANCE TO PROVIDE FOR THE CARRYING INTO EFFECT IN THE CITY OF ELGIN, UNION COUNTY, OREGON, OF THE INITIATIVE AND REFERENDUM POWERS RESERVED TO THE LEGAL VOTERS OF MUNICIPALITIES BY SECTION 1-A OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF OREGON, AND OF THE POWER TO ENACT AND AMEND THEIR MUNICIPAL CHARTERS RESERVED TO LEGAL VOTERS OF CITIES AND TOWNS BY SECTION 2 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF OREGON, PROVIDING FOR VIOLATION OF THIS ACT, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

The City of Elgin does ordain as follows:

Section 1. The following shall be substantially the form of a petition for any ordinance or amendment to the charter proposed by the initiative.

WARNING

It is a felony for any one to sign any initiative or referendum petition with any other name other than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter.

INITIATIVE PETITION

To the Honorable _____.

City Recorder for the City of Elgin,

Union County, Oregon.

We, the undersigned, citizens and legal voters of the City of Elgin, Union County, Oregon, respectfully demand that the following proposed ordinance, (or amendment to the City Charter) shall be submitted to the legal voters of the city of Elgin, Union County, Oregon, for their approval or rejection at the regular (or special) election to be held on the _____ day of _____, 19____, and each for himself says: I have personally signed this petition;

I am a legal voter of the City of Elgin, Union County, Oregon, and my residence and street number are correctly written after my name.

NAME RESIDENCE STREET NUMBER

(Here follow twenty numbered lines for signatures.)

Section 2. The following shall be substantially the form of petition for Referendum to the people of any ordinance passed by the Council.

WARNING

It is a felony for any one to sign any initiative or Referendum petition with any other name than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter.

REFERENDUM PETITION

To the Honorable _____.

City Recorder for the City of Elgin,

Union County, Oregon.

We, the undersigned, legal voters of the City of Elgin, Union County, Oregon, respectfully demand that Ordinance Number _____, entitled (the title of ordinance on which the Referendum is sought), passed by the Council of the City of Elgin at its meeting on the _____ day of _____, 19_____, shall be submitted to the legal voters of the City of Elgin for their approval or rejection at the regular (or special) election to be held on the _____ day of _____, 19_____, and each for himself says: I have personally signed this petition; I am a legal voter of the City of Elgin, Union County, Oregon, and my residence and street number are correctly written after my name.

NAME RESIDENCE STREET NUMBER

(Here follow twenty numbered lines for signatures.)

Section 3. Each and every sheet of every petition for either Initiative or Referendum containing signatures shall be verified on the back thereof in substantially the following form by the person who circulated such sheet of said petition by affidavit thereon as follows:

STATE OF OREGON)

COUNTY OF UNION) ss

CITY OF ELGIN

I, _____, being first duly sworn, say that every person who signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, residence and street number correctly and that each signer is a legal voter of the City of Elgin.

_____
(Signature and title of officer and his residence)

Section 4. The forms herein given are not mandatory and if substantially followed in any petition it shall be sufficient, disregarding clerical and technical errors.

Section 5. Not more than twenty signatures shall be signed to one sheet of a petition, and a full and correct copy of the title and text of the measure demanded for submission by the Initiative or Referendum petition, as the case may be, shall be attached to each sheet circulated for signatures, and such full and correct copy of the title and text shall be shown to the voter before his signature is attached.

Section 6. The City Recorder of the City of Elgin shall accept for filing any petition for the Initiative or for the Referendum, subject to the verification of the number and genuineness of the signatures and voting qualifications of the persons signing the same by reference to the registration books in the office of the County Clerk of Union County, and if a sufficient number of qualified voters be found to have signed said petition, he shall file same within ten days after presentation thereof to him.

Section 7. Initiative petitions for any proposed ordinance, charter amendment or measure shall be signed by a number of legal voters equal to fifteen per centum of the greatest number of votes cast for Councilman at the last preceding municipal election. Referendum petitions against any ordinance or measure proposed by the Council shall be signed by a number of legal voters equal to ten per centum of the greatest number of votes cast for Councilman at the last regular preceding municipal election.

Section 8. An amendment to the Charter of the City of Elgin, or a new charter, may be proposed and submitted to the legal voters thereof by resolution of the Council without an Initiative petition; said resolution shall be filed with the City Recorder for submission not later than fifteen days before the election at which it is to be voted upon, and no amendment to the charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of said City.

Section 9. Where an amendment to the Charter of the City of Elgin, or a new charter, may be proposed and submitted to the legal voters thereof by resolution of the Council without an Initiative petition, the said resolution shall therein state the date of the regular municipal election, or the date of a special election at which said charter amendment or new charter will be submitted to be voted on, and shall call and make provision for such election.

Section 10. When any measure for Initiative or Referendum legislation shall be filed by the City Recorder after the number and genuineness of signatures thereto, as provided by Section 6 supra have been ascertained, or when any resolution of the Council shall be filed with the City Recorder as provided in Section 8 herein, the City Recorder shall forthwith transmit to the attorney of said City a copy of such measure, who shall within two days provide and return to the City Recorder a ballot title for such measure. The ballot title shall be printed with the number of the measure on the official ballot. In making such ballot title said attorney shall to the best of his ability give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument for, or

liable to create prejudice against such measure. Any person who is dissatisfied with the ballot title provided by the said attorney for any such measure may within two days after said ballot title is returned to the City Recorder appeal to the Council asking a different title and giving the reason therefor, and stating why the title prepared by the said attorney is improper and the Council shall by resolution approve the ballot title prepared by said attorney, or shall by resolution prescribe another ballot title therefor, and the ballot title so approved or so prescribed by the Council shall be the title placed upon the ballot. Such ballot title shall in no case exceed one hundred words, and shall not resemble insofar as possible any other ballot title filed for any measure. The City Recorder of the City of Elgin shall number such measure and ballot title in the most convenient and consecutive manner. The first measure shall be numbered 51 in numerals, and the succeeding measures shall be number 52, 53, 54, 55, and so on. It shall be the duty of the City Recorder to print said ballot title and numbers upon the official ballot. Measures referred to the voters by petition shall be designated "Referendum ordered by petition of the people." Measures proposed by the Initiative petition shall be designated "Proposed by Initiative Petition." Charter amendments or a new charter submitted by the Council without initiative petition shall be designated "Charter Amendments submitted to the voters by the Council."

PROVIDED, HOWEVER, that when charter amendments or a new charter are to be submitted to the voters by resolution of the Council as in this ordinance provided, the Council may in said resolution provide for a ballot title for the measure so to be submitted, and in the event of such provision being made by the Council the hereinabove provision of this section relative to the filing of the measure with the City Attorney, the preparation by said attorney of a ballot therefor, and the appeal to the Council from the ballot title so prepared shall not apply.

Section 11. Where a special election is called, either on petition for proposed ordinance or charter amendments by the initiative, or for submitting ordinances by the Referendum, or on Charter amendments, or a new charter, proposed

by resolution of the Council, the City Recorder shall under the direction of the Council give at least ten days notice of such election by posting notices thereof at a conspicuous place in the City Hall and in one public place in each voting precinct of the City, or by publication in two issues of a newspaper published in the City. Such notice shall state the ballot title of each measure to be voted upon and the time and place of the election.

Section 12. Legal voters of the City of Elgin are qualified to sign a petition for the referendum or for the initiative for any measure which he is entitled to vote upon. Any person signing any name other than his own to a petition, or knowingly signing his name more than once for the same measure at one election, who is not at the time of signing the same a legal voter of the City of Elgin, or any officer or other person violating any of the provisions of this ordinance, shall upon conviction thereof be punished by a fine not exceeding One Hundred Dollars, or by imprisonment in the City Jail not exceeding thirty days or by both fine and imprisonment in the discretion of the municipal Court.

Section 13. The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be, provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon. If two or more laws on the same subject or containing provisions that are conflicting, shall be approved by the voters at the same election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

Section 14. The votes on measures and charter amendments shall be counted, canvassed and returned as votes for candidates are counted, canvassed and returned.

Section 15. The Mayor shall within fifteen days from the time of such election proclaim by posting printed or typewritten copies of such proclamation in at least two conspicuous places in said municipality, the adoption of such measure and amendment which shall have received the affirmative majority of the total number of votes cast thereon. In case of ordinances which have been passed by the Council and voted upon by referendum, proclamation of the result of such vote shall also be made.

Section 16. Where referendum petitions shall be signed by the required number of legal voters against any ordinance passed by the Council, the same shall be filed with the City Recorder within thirty days after the passage and approval of the ordinance in question.

Section 17. All ordinances and/or parts of ordinances in conflict herewith, and specifically Ordinance No. 1, Series 1925, are hereby repealed.

Section 18. The City Council of the City of Elgin proposes to submit a charter amendment providing for a continuing levy for the purpose of financing repairs and improvements to the water system of the electors of the City, and

WHEREAS, it is essential that such improvements and repairs be accomplished and finances therefor provided as soon as possible and no satisfactory ordinance with respect to initiative and referendum and the reference of such matters to the electors of the City presently existing, it is necessary to preserve the peace, health and safety of said City that an emergency be and the same is hereby declared to exist and this ordinance shall take effect immediately upon its passage and approval.

Passed this 7th day of March, 1962, by six Councilmen voting therefor.

ATTEST:

Ethel J. Hunt
City Recorder

APPROVED this 7th day of March, 1962.

Myron F. Chandler
Mayor

F. B. Sexton Councilman
Theodore Kiefer
Hanford V. Reed
Kenneth Adams
J. L. Rogers
George W. Carvel